

Before the Board of Zoning Adjustment, D. C.

Application No. 11925, of Discalced Carmelite Fathers, Inc., pursuant to Section 8207.1 of the Zoning Regulations for a variance from the use provisions of the R-3 Zone to permit a Social Service Center for women, as provided by Section 8207.11 of the regulations at the premises 150 Rhode Island Avenue, N. W., Lot 801, Square 3539.

HEARING DATE: May 21, 1975

DECISION DATE: May 27, 1975

FINDINGS OF FACT:

1. The subject property is in the R-3 Zone and improved by a dwelling which is in disrepair and uninhabitable

2. The applicant proposes to use the subject property as a social service center for women and their children, the women to be served will have been charged with a crime in the nature of a misdemeanor and under custody of the proposed center on order of the court.

3. The applicant asserted at public hearing, that the dwelling located on the subject property and the specific property in question is the cause of an undue hardship to the owner for the following reasons:

a. That the owner, a non-profit religious organization does not have the finances to rehabilitate the dwelling in question.

b. That the dwelling has become obsolete and can no longer be used for religious purposes as it was originally.

c. That it is surrounded on three sides by cemeteries on the campus of the applicant, which renders the property unusable for R-3 residential uses.

d. That by reason of the property being located on a hill, that extreme topography makes the development of the property prohibitive.

4. The applicant did not submit evidence to show that the claimed obsolescence of the dwelling is due to any unique characteristic inherent in the structure, but based its obsolescence on the fact that the dwelling is in disrepair.

5. The Board finds that the applicant once used the structure as a dwelling house.

6. Other than a bare assertion, the applicant did not show that R-3 residential development or use is incompatible because of location near a cemetery.

7. Other than a naked assertion, did the applicant demonstrate that the topography of the subject property is so extreme, that structures permitted in the R-3 Zone could not be constructed.

8. The proposed social service center would provide living space for 14 women, plus up to seven (7) pre-school children, and four (4) sisters (Nuns) to provide supervision.

9. A witness of applicant stated at public hearing, that this proposal before the Board would be a pilot project, and would benefit the community as well as benefit the women in the center by providing an alternative to pre-trial incarceration, therefore, allowing the women to see their children before a determination of their guilt is made.

10. Neighborhood residents in opposition to this application testified that they object to a social service center to house women under criminal charges, because of the fear that such a center may affect adversely the many school children who attend school in the neighborhood and who board buses on Rhode Island Avenue, in front of the subject property.

11. The applicant testified that the structure in question would be remodeled for the proposed use by a Commerce Department Grant.

#### CONCLUSIONS OF LAW:

Based upon the above Findings of Fact and the Record, the Board is of the opinion that the applicant has not carried its

burden of proving the existence of a hardship within the meaning of the Zoning Regulations, Section 8207.11 . The variance is equitable relief from strict application regulations, based upon the showing that because of extreme topographical features or other exceptional or extraordinary conditions of a specific piece of property, the owner would be denied all beneficial use of the land. There is no evidence record other than bare assertions by applicant's attorney, that the subject property cannot be used for any R-3 purposes. There is no evidence or testimony by experts that development of the property for R-3 purposes is highly impractical because of topography, or that the applicant has attempted, without success to use the property for use permitted as a matter of right or as special exceptions in the R-3 Zone. Economic hardship or financial inability to develop property is not a basis for hardship as claimed by applicant, unless that economic burden is caused by topography or other exceptional circumstances.

The Board concludes that the applicant has not presented to the Board a set of facts which permit the Board to relieve applicant from strict application of the regulations. Because the applicant has not proved a hardship as required, the Board need not decide whether or not the proposed use, if granted, would be detrimental to the public good, but is of the opinion that to grant the relief requested herein on facts presented at public hearing, would substantially impair the meaning and intent of the Zoning Regulations.

ORDERED:

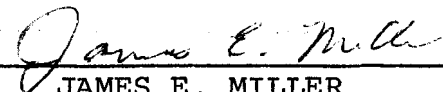
That the above application be and is hereby DENIED.

VOTE:

5-0

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
JAMES E. MILLER  
Secretary to the Board

FINAL DATE OF ORDER: 6/13/75